IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.195 OF 2003

Sesa Goa Limited
Sesa Ghor, 20EDC Complex,
Patto, Panaji, Goa ... PETITIONER

Versus

Vasant Arjun Desai
(since deceased) through
his legal representatives:

a) Smt. Hirabai Vasant Desai;
b) Shri Deepak Vasant Desai;
c) Shri Narendra Vasant Desai;
d) Shri Sandeep Vasant Desai;
e) Miss Narayan Vasant Desai
all residents of Virdi
Sanquelim, Goa ... RESPONDENTS.

Shri R.G. Ramani, Advocate for the Petitioner.

Shri S.D. Lotlikar, Sr. Advocate, with Shri A.D. Bhobe, Advocate, for the Respondents.

CORAM : F.I. REBELLO,J.

DATED : JUNE 6, 2003.

ORAL JUDGMENT

Rule. Respondents waive service. Heard forthwith.

2. Issues were framed on 30-7-1998 and 13-6-2001. Plaintiffs have closed their evidence. Evidence of Defendants is going on. Defendants, who are Petitioners herein, at this stage on 12-3-2003, applied to produce documents which they had not relied upon in the list of documents nor produced at

the stage of production, nor put to the witnesses examined on behalf of the Plaintiffs. In the application also no cause has been shown as to why the documents could not have been produced earlier.

3. By the impugned Order the trial Court had rejected the application on the ground that no cause has been shown. It is this Order which is the subject-matter of the present challenge.

4. After hearing learned Counsel, in my opinion, really speaking, such an Order would not be revisable under Section 115 and normally this Court would not have exercised its extraordinary jurisdiction in such cases. However, considering the documents at Serial Nos. 1 to 4, no prejudice will be occasioned to the Plaintiffs. Similarly, the document at Serial No.5 is from a public Authority merely to show which cadastral Survey numbers correspond to the new Survey numbers. The document at Serial No.6 which is sought to be produced is a geological plan of Sanquelim Group of Mines as approved by Regional Controller of Mines. In my opinion, this has nothing to do with the issues that have been framed in the suit. Document No.7 is a private document of plan prepared by the Defendant itself. The Plaintiffs had no opportunity to lead

evidence on that document.

5. In the light of the above, I pass the following Order:-

The impugned Order dated 24th March, 2003 is partly set aside. Application dated 12th March, 2003 to produce documents at Serial Nos.1 to 5 is allowed. Documents at Serial Nos. 6 and 7 are disallowed. Rule accordingly. No order as to costs.

F.I. REBELLO,J.

ac.